

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

SENATE BILL 1129

AN ACT

AMENDING TITLE 37, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 8; RELATING
TO MILITARY AIRPORT LAND EXCHANGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

VETO

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 37, Arizona Revised Statutes, is amended by adding chapter 8, to read:

CHAPTER 8

MILITARY AIRPORT LAND EXCHANGES

ARTICLE 1. GENERAL PROVISIONS

37-1201. Declaration of policy

IT IS DECLARED THE POLICY OF THE LEGISLATURE TO PROMOTE THE PRESERVATION OF MILITARY AIRPORTS IN THIS STATE BY FACILITATING THE CONSERVATION OF OPEN SPACE AROUND MILITARY AIRPORTS, AND THEREBY TO PROTECT AND ENHANCE THE IRREPLACEABLE ECONOMIC BENEFIT THAT MILITARY AIRPORTS DIRECTLY AND INDIRECTLY CONTRIBUTE TO THE COMMUNITIES AND CITIZENS OF THIS STATE.

37-1202. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "HIGH NOISE OR ACCIDENT POTENTIAL ZONE" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-8461.

2. "LANDOWNER" MEANS ANY PRIVATE PERSON, FIRM OR CORPORATION HOLDING TITLE TO ANY LAND THAT IS WHOLLY OR PARTIALLY IN TERRITORY IN THE VICINITY OF A MILITARY AIRPORT.

3. "MANAGER" MEANS THE MANAGER OF THE SECTION.

4. "MILITARY AIRPORT" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-8461.

5. "SECTION" MEANS THE MILITARY AIRPORT LAND EXCHANGE SECTION OF THE STATE LAND DEPARTMENT.

6. "SUBJECT PROPERTY" MEANS PRIVATE LAND THAT IS TO BE OFFERED IN A PROPOSED EXCHANGE PURSUANT TO THIS CHAPTER.

7. "TERRITORY IN THE VICINITY OF A MILITARY AIRPORT" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-8461.

ARTICLE 2. MILITARY AIRPORT LAND EXCHANGE SECTION

37-1203. Military airport land exchange section; purpose; employees; compensation

A. SUBJECT TO THE AVAILABILITY OF MONIES IN THE MILITARY AIRPORT LAND EXCHANGE FUND, THE MILITARY AIRPORT LAND EXCHANGE SECTION IS ESTABLISHED WITHIN THE STATE LAND DEPARTMENT FOR THE PURPOSE OF FACILITATING EXCHANGES OF FEDERAL LAND IN THIS STATE FOR PRIVATE LAND IN TERRITORY IN THE VICINITY OF A MILITARY AIRPORT IN THIS STATE.

B. ALL PERSONNEL AND ADMINISTRATIVE COSTS SHALL BE PAID FROM THE FUND. THE COMMISSIONER SHALL APPOINT A MANAGER OF THE SECTION, WHO SHALL BE RESPONSIBLE FOR THE ADMINISTRATIVE FUNCTIONS OF THE SECTION. WITH THE COMMISSIONER'S APPROVAL, THE MANAGER MAY HIRE EMPLOYEES NECESSARY TO CARRY OUT THIS CHAPTER.

C. COMPENSATION FOR THE MANAGER AND OTHER EMPLOYEES OF THE SECTION SHALL BE DETERMINED PURSUANT TO SECTION 38-611.

1 37-1204. Military airport land exchange proposal application;
2 agreement

3 A. A LANDOWNER MAY APPLY TO THE SECTION FOR ASSISTANCE IN PREPARING
4 A PROPOSAL TO EXCHANGE THE LANDOWNER'S LAND FOR LAND OWNED BY A FEDERAL
5 AGENCY IF THE LANDOWNER'S LAND IS WHOLLY OR PARTIALLY IN A HIGH NOISE OR
6 ACCIDENT POTENTIAL ZONE OR IF ALL OF THE FOLLOWING APPLY:

- 7 1. THE LANDOWNER'S LAND IS UNDEVELOPED LAND.
8 2. THE LANDOWNER'S LAND IS ZONED FOR USES THAT ARE NOT COMPATIBLE WITH
9 THE OPERATION OF A MILITARY AIRPORT AS DETERMINED BY THE LOCAL JURISDICTION.
10 3. THE LANDOWNER AGREES TO A REZONING OF THE LANDOWNER'S LAND TO USES
11 THAT ARE COMPATIBLE WITH THE OPERATION OF A MILITARY AIRPORT AS A CONDITION
12 OF AN EXCHANGE PROPOSED PURSUANT TO THIS CHAPTER.

13 B. AN APPLICATION PURSUANT TO SUBSECTION A OF THIS SECTION SHALL
14 INCLUDE ALL OF THE FOLLOWING:

- 15 1. THE NAME AND ADDRESS OF THE LANDOWNER.
16 2. A DESCRIPTION OF THE LOCATION OF THE SUBJECT PROPERTY.
17 3. THE SIZE OF THE SUBJECT PROPERTY IN ACRES.
18 4. A COPY OF THE COUNTY TAX ASSESSOR'S MAP SHOWING THE SUBJECT
19 PROPERTY.
20 5. A COPY OF THE ZONING ORDINANCE THAT APPLIES TO THE SUBJECT
21 PROPERTY.
22 6. A LIST OF ANY IMPROVEMENTS THAT ARE ON THE SUBJECT PROPERTY.
23 7. THE CURRENT USE OF THE SUBJECT PROPERTY AND, TO THE EXTENT KNOWN
24 TO THE LANDOWNER, A HISTORY OF PAST USES OF THE SUBJECT PROPERTY.
25 8. THE LANDOWNER'S PREFERENCE FOR THE GENERAL LOCATION OF FEDERAL
26 LANDS TO BE OFFERED IN A PROPOSED EXCHANGE.

27 C. THE SECTION SHALL EVALUATE EACH APPLICATION THAT IT RECEIVES
28 PURSUANT TO THIS SECTION AND GIVE WRITTEN NOTICE TO THE APPLICANT OF
29 ACCEPTANCE OR REJECTION OF THE APPLICATION BY THE SECTION. IF THE SECTION
30 REJECTS AN APPLICATION, THE NOTICE SHALL STATE THE REASON OR REASONS FOR THE
31 REJECTION AND THAT THE REJECTION IS AN APPEALABLE AGENCY ACTION PURSUANT TO
32 TITLE 41, CHAPTER 6, ARTICLE 10. IF THE SECTION ACCEPTS AN APPLICATION, THE
33 NOTICE SHALL INDICATE THAT THE SECTION AGREES TO ASSIST THE LANDOWNER IN
34 PREPARING A PROPOSAL FOR THE EXCHANGE OF THE LANDOWNER'S LAND FOR FEDERAL
35 LAND IF THE LANDOWNER PAYS THE FEE PRESCRIBED IN SECTION 37-1205, SUBSECTION
36 A, PARAGRAPH 1.

37 37-1205. Powers and duties of the section; limitations

38 A. IF THE SECTION AGREES TO ASSIST A LANDOWNER PURSUANT TO SECTION
39 37-1204, SUBSECTION C, THE SECTION SHALL:

- 40 1. CHARGE THE LANDOWNER A FEE FOR EACH ACRE OF THE SUBJECT PROPERTY.
41 THE SECTION SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES
42 RECEIVED PURSUANT TO THIS PARAGRAPH IN THE MILITARY AIRPORT LAND EXCHANGE
43 FUND ESTABLISHED BY SECTION 37-1206 AND SHALL USE THE MONIES TO HIRE STAFF
44 AND SUPPORT THE OPERATIONS OF THE SECTION.

1 2. EVALUATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR EXCHANGE WITH
2 FEDERAL LAND.

3 3. COORDINATE WITH FEDERAL AGENCIES TO IDENTIFY FEDERAL LANDS THAT ARE
4 AVAILABLE AND SUITABLE FOR EXCHANGE FOR THE SUBJECT PROPERTY.

5 4. PREPARE AN EXCHANGE PROPOSAL FOR THE LANDOWNER'S REVIEW.

6 B. THE SECTION MAY:

7 1. REQUEST A LANDOWNER TO ADVANCE OR INCUR COSTS OF EVALUATIONS AND
8 STUDIES THAT MAY BE NEEDED TO PREPARE AN EXCHANGE PROPOSAL INCLUDING LEGAL
9 LAND SURVEYS, TITLE REPORTS, APPRAISALS, ENVIRONMENTAL ASSESSMENTS AND
10 CULTURAL AND BIOLOGICAL INVESTIGATIONS. THE SECTION SHALL DEPOSIT, PURSUANT
11 TO SECTIONS 35-146 AND 35-147, THE MONIES COLLECTED UNDER THIS PARAGRAPH IN
12 A SEPARATE ACCOUNT OF THE MILITARY AIRPORT LAND EXCHANGE FUND AND SHALL USE
13 THE MONIES TO CONTRACT FOR THE EVALUATIONS AND STUDIES THAT ARE NEEDED TO
14 PREPARE AN EXCHANGE PROPOSAL.

15 2. ACCEPT AND SPEND GRANTS, GIFTS AND CONTRIBUTIONS FROM INDIVIDUALS,
16 BUSINESSES, CITIES, TOWNS, COUNTIES, OTHER POLITICAL SUBDIVISIONS OF THIS
17 STATE, OTHER STATE AGENCIES, FEDERAL AGENCIES AND ANY OTHER SOURCES TO HIRE
18 STAFF AND SUPPORT THE OPERATIONS OF THE SECTION.

19 3. AT THE REQUEST OF THE LANDOWNER, PRESENT AN EXCHANGE PROPOSAL TO
20 A FEDERAL AGENCY.

21 4. DISBURSE MONIES IN THE MILITARY AIRPORT LAND EXCHANGE FUND TO A
22 FEDERAL AGENCY THAT AGREES TO AN EXCHANGE PROPOSED UNDER THIS CHAPTER TO
23 COVER COSTS INCURRED BY THE AGENCY IN PREPARING THE EXCHANGE.

24 C. THE LANDOWNER SHALL BE RESPONSIBLE FOR MAKING ALL DECISIONS AND
25 BEARING ALL COSTS ARISING FROM AN EXCHANGE PROPOSED UNDER THIS CHAPTER.
26 NEITHER THE SECTION NOR THE DEPARTMENT SHALL BE THE LANDOWNER'S AGENT.
27 ASSISTANCE PROVIDED BY THE SECTION TO A LANDOWNER UNDER THIS CHAPTER IS
28 LIMITED BY THE AVAILABILITY OF MONIES IN THE MILITARY AIRPORT LAND EXCHANGE
29 FUND. AN AGREEMENT UNDER SECTION 37-1204, SUBSECTION C IS NOT A GUARANTEE
30 OR OTHER ASSURANCE BY THE SECTION, THE DEPARTMENT, THIS STATE OR ANY AGENCY
31 OF THIS STATE THAT A FEDERAL AGENCY WILL EXCHANGE LAND WITH THE LANDOWNER.

32 37-1206. Military airport land exchange fund

33 A. A MILITARY AIRPORT LAND EXCHANGE FUND IS ESTABLISHED CONSISTING OF
34 MONIES APPROPRIATED BY THE LEGISLATURE, FEES DEPOSITED PURSUANT TO SECTION
35 37-1205, SUBSECTION A, PARAGRAPH 1 AND MONIES DEPOSITED PURSUANT TO SECTION
36 37-1205, SUBSECTION B. THE COMMISSIONER SHALL ADMINISTER THE FUND.

37 B. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED FOR THE PURPOSE
38 OF CONDUCTING THE ACTIVITIES OF THE SECTION.

39 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
40 RELATING TO LAPSING OF APPROPRIATIONS.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.

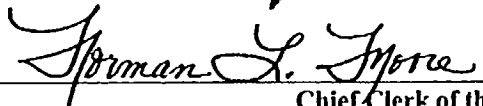
Passed the House May 15, 20 02,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting



Speaker of the House

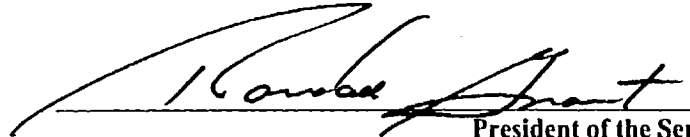


Chief Clerk of the House

Passed the Senate March 18, 20 02,

by the following vote: 24 Ayes,

4 Nays, 2 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

S.B. 1129

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate May 16, 2002

by the following vote: 19 Ayes,

9 Nays, 2 Not Voting

Randall Smith
President of the Senate

Chaimin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of May, 2002

at 4:39 o'clock P M.

Jandra Ramirez
Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ M.

VETO

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22nd day of May, 2002

at 12:13 o'clock P M.

Debra Bayless
Secretary of State

S.B. 1129